

1-28-05

DAC JW

I hereby certify that on January 21, 2005, which is the date I am signing this certificate, I am depositing this correspondence and all identified attachments with the United States Postal Service, first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Robert Fiore

Applicants: Donte Kim, et al.

Serial No.: 10/624,412

Filed: July 21, 2003

Title: **SYSTEM FOR INTERFACING
SOFTWARE PROGRAMS**

Examiner: Unassigned

Group Art Unit: 2182

Attorney Docket No. 58255-00005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313

RENEWED PETITION UNDER 37 C.F.R. 1.137(b)

Sir:

In response to the Petition Attorney's dismissal of the petition under 37 C.F.R. 1.137(b) filed to revive the above-captioned application on November 15, 2004, Applicant encloses herewith a Petition Under 37 C.F.R. 1.47(a).

Applicant respectfully requests that the petition under 37 C.F.R. 1.137(b) be reconsidered and the Declaration submitted therewith be accepted.

The Patent Office is herein authorized to charge any fees or credit any overpayment to our Deposit Account No. 07-1853.

Respectfully submitted,

Sung I. Oh, Reg. No. 45,583
Attorney for Applicant

Squire, Sanders & Dempsey, LLP
801 South Figueroa, 14th Floor
Los Angeles, CA 90017
Telephone: (213) 689-5176
Facsimile: (213) 623-4581



I hereby certify that on January 21, 2005, which is the date I am signing this certificate, I am depositing this correspondence and all identified attachments with the United States Postal Service, first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

R. Fiore

Robert Fiore

Applicants: Donte Kim, et al.

Serial No.: 10/624,412

Filed: July 21, 2003

Title: **SYSTEM FOR INTERFACING
SOFTWARE PROGRAMS**

Examiner: Unassigned

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Attorney Docket No. 58255-00005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313

PETITION UNDER 37 C.F.R. 1.47(a)

Sir:

Applicant's counsel hereby submits this petition to request that the PTO accept the above-captioned application on behalf of himself and the non-signing co-inventor, Nathan Leach. Enclosed are the following:

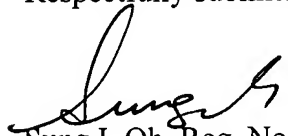
1. A copy of the Declaration and Power of Attorney submitted with Applicant's Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b) mailed November 9, 2004, which Applicant Donte Kim signed on behalf of non-signing Applicant Nathan Leach. In particular, please note the last page of the Declaration with the heading of "ADDED PAGE TO DECLARATION AND POWER OF ATTORNEY FOR SIGNATURE BY JOINT INVENTORS ON BEHALF OF NON-SIGNING INVENTOR WHO REFUSES TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))" (Exhibit 1).

2. A copy of the Declaration of Sung Oh, also from the earlier Petition, attesting to Applicant Kim's diligent efforts to reach Mr. Leach was submitted with the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b). Exhibit A to that Declaration is a letter sent to Mr. Leach's last known address via certified mail on August 26, 2003. Exhibit B to that Declaration is a photocopy of the envelope for that certified mail letter upon which the U.S. Post Office stamp and handwritten notification indicates that delivery was attempted on August 29, 2003 but the letter was refused (Exhibit 2).

Nathan Leach's last known address was 17407 Old Court Drive, Tomball, Texas 77377.

**The Patent Office is herein authorized to charge the appropriate fee to our Deposit
Account No. 07-1853.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sung I. Oh", with a stylized flourish at the end.

Sung I. Oh, Reg. No. 45,583
Attorney for Applicant



DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare:

THAT my residence, post office address and citizenship are as stated below next to my name.

THAT I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a design patent is sought on the invention entitled: **"System For Interfacing Software Programs"** the specification of which:

☐ is attached hereto.

OR

☐ was filed on July 21, 2003, as United States Application Number 10/624,412.

THAT the subject matter of the

☐ attached amendment

OR

☐ amendment filed on (MM/DD/YY)

was part of my or our invention and was invented before the filing date of the original application, above identified for such invention.

THAT I do not know and do not believe that this invention was ever known or used in the United States of America before my or our invention or discovery thereof, or patented or described in any printed publication in any country before my or our invention or discovery thereof, for more than one year prior to this application.

THAT the invention was not in public use or on sale in the United States of America for more than one year prior to this application.

THAT this invention has not been patented or made the subject of an inventor's certificate issued before the date of the application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months before this application.

THAT I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

THAT I acknowledge the duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations §1.56.

THAT no application(s) for patent or inventor's certificate on this invention or discovery has been filed by me or my legal representatives or assigns in a country foreign to the United States of America more than 12 months prior hereto, unless identified here: NONE.

THAT I hereby claim foreign priority benefits under Title 35, United States Code §119 (a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed. **NONE.**

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YY)	Priority Claimed?		Certified Copy Attached?	
			YES	NO	YES	NO

THAT I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YY)
60/397,737	July 22, 2002
60/455,008	March 14, 2003

THAT I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application. **NONE.**

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YY)	Parent Patent Number (If applicable)

And as a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and with the resulting patent, individually and collectively:

Squire, Sanders & Dempsey L.L.P.
801 S. Figueroa Street, 14th Floor
Los Angeles, California 90017-5554

telephone number (213) 624-2500 (to whom all communications regarding the subject application are to be directed); and each practitioner thereof named below with Registration Numbers, and of the same address:

Sung I. Oh Reg. No. 45,583

and further appoint as associate practitioners, with right of revocation in the primary practitioners, the following:

David B. Abel, Reg. No. 32,394	Lorinda J. Howland, Reg. No. 42,671
Michael A. Lechter, Reg. No. 27,350	Sung I. Oh, Reg. No. 45,583
Marc A. Sockol, Reg. No. 40,823	Douglas N. Larson, Reg. No. 29,401
William R. Bachand, Reg. No. 34,980	Stanley H. Thompson, Reg. No. 45,160
David E. Rogers, Reg. No. 38,287	Mark N. Hurvitz, Reg. No. 54,193

whose address is:

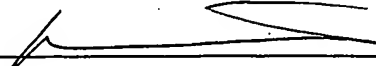
SQUIRE, SANDERS & DEMPSEY L.L.P
801 So. Figueroa St., 14th Fl.
Los Angeles, CA 90017-5554
Telephone: (213) 624-2500

Please direct all correspondence to:

Sung I. Oh, Esq.
Squire, Sanders & Dempsey L.L.P.
801 S. Figueroa Street, 14th Floor
Los Angeles, California 90017-5554

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Inventor's Signature 

Date _____

Inventor's Name (typed) Donte Kim
First Middle Family Name

Citizenship U.S.

Address 6771 Amberwood Drive

Residence (City) Alta Loma

(State/Foreign Country) California (Zip Code) 91071

Inventor's Signature Non-signing Inventor-completed on added page

Date _____

Inventor's Name (typed) Nathan Leach
First Middle Family Name

Citizenship U.S.

Address 17407 Old Court Drive

Residence (City) Tomball

(State/Foreign Country) Texas (Zip Code) 77377

**ADDED PAGE TO DECLARATION AND POWER OF ATTORNEY FOR
SIGNATURE BY JOINT INVENTORS ON BEHALF OF NON-SIGNING INVENTOR
WHO REFUSES TO SIGN OR CANNOT BE REACHED (37 CFR 1.47(a))**

1. I am an above named joint inventor and have signed this declaration on my own behalf and also sign this declaration under 37 CFR 1.47(a) on behalf of the non-signing joint inventor, particulars for whom are:

Name: Nathan Leach, non-signing inventor who refuses to sign

Citizenship U.S.

Last known Address 17407 Old Court Drive

Residence (City) Tomball


(State/Foreign Country) Texas (Zip Code) 77377

2. Accompanying this declaration is:

A. Declaration of Sung I. Oh;

B. The petition fee of \$_____.

Donte Kim



Signature



I hereby certify that on 11-9-04, which is the date I am signing this certificate, I am depositing this correspondence and all identified attachments with the U.S. Postal Service, first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.


Kiersten Mishalany

Applicants: Donte Kim, et al.
Serial No.: 10/624,412
Filed: July 21, 2003
Title: **SYSTEM FOR INTERFACING
SOFTWARE PROGRAMS**
Examiner: Unassigned
Group Art Unit: 2182
Attorney Docket No. 58255-00005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313

DECLARATION OF SUNG I. OH

Sir:

I, Sung I. Oh, declare:

1. I am an associate at the law firm of Squire, Sanders & Dempsey L.L.P. and licensed to practice in California and before the U.S. Patent and Trademark Office.
2. On August 19, 2003, I called Nathan Leach at the phone number (713) 623-0929, and the business telephone message indicated that the business was Paymetric, Inc. The voice message requested a four digit extension number to direct the call, at which time I dialed the 4230 extension. Thereafter, a male voice identified himself as "Nathan." I asked whether this was Nathan Leach, and Mr. Leach confirmed his identity to me.
3. I identified myself as Sung Oh, a patent attorney with the law firm of Squire Sanders. I indicated that I represent Nodus Technologies. I further explained that Squire Sanders has prepared and filed a U.S. patent application for Nodus Technologies, Inc. in which Nathan Leach is named as a co-inventor.
4. Mr. Leach then inquired about the reason for the call. I explained to Mr. Leach that as a former employee of Mekorma, the company at which the invention was conceived, Mr. Leach needed to review the U.S. application to confirm that he was properly named as a coinventor. I further explained that as a co-inventor of the invention, we needed his signatures for certain paperwork such as a Declaration and an Assignment.

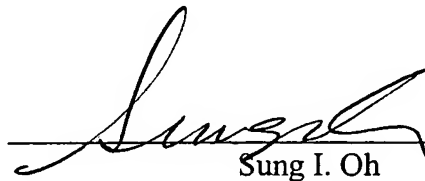
5. Mr. Leach acknowledged that he had worked at Mekorma with Donte Kim, another software engineer at Mekorma and a co-inventor of the application, to develop an integration software program. He was adamant in stating that he did not want anything to do with the U.S. patent application directed to the integration software program. He stated that he would not sign any paperwork related to the patent application. Mr. Leach then abruptly terminated the call by hanging up the telephone.

6. On August 26, 2003, I mailed a letter to Mr. Leach via Certified Mail to the address of 17407 Old Court Drive, Tomball, TX 77377, in an envelope bearing this firm's logo "Squire, Sanders & Dempsey L.L.P.," along with a Return Receipt Requested enclosing a cover letter, Declaration and Petition and Assignment for his signature, as well as a copy of the U.S. application for his review. A copy of the letter is attached as Exhibit A.

7. On September 2, 2003, the U.S. Postal Service returned to my law firm the unopened package containing the letter and enclosures that had been mailed to Mr. Leach with three ink stamped messages indicating "Return to Sender" and the hand written message "8/29/03 Refused." A copy of the unopened package is attached to this declaration as Exhibit B.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 11/02/04


Sung I. Oh

**SQUIRE
SANDERS** | LEGAL
COUNSEL
WORLDWIDE



SQUIRE, SANDERS & DEMPSEY L.L.P.

801 South Figueroa, 14th Floor
Los Angeles, California 90017-5554

Office: +1.213.624.2500

Fax: +1.213.630.4444

Direct: +1.213.689.5176

soh@ssd.com

August 26, 2003

**BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

☐ **DO NOT WISH TO SIGN
DECLARATION AND
ASSIGNMENT FOR U.S. PATENT
APPLICATION SERIAL NO.
10/624,412.**

Mr. Nathan Leach
17407 Old Court Drive
Tomball, TX 77377

**Re: For: SYSTEM FOR INTERFACING SOFTWARE PROGRAMS
U.S. Patent Application Serial No. 10/624,412
Client/Matter No.: 58255-00005**

Dear Mr. Leach:

As discussed in our telephone conversation on August 19, 2003, I am with the law firm of Squire, Sanders & Dempsey L.L.P., which has filed the above U.S. Patent Application (the "Application") on behalf of our client Nodus Technologies, Inc ("Nodus"). The Application was filed listing you and Donte Kim as the two co-inventors, which is directed to an idea(s) that was developed while you and Donte Kim were working at Mekorma. By virtue of certain agreement between Mekorma and Nodus, the rights under the Application is owned by Nodus.

The Application was filed without a signed declaration, so we anticipate receiving what is called a "Notice to File Missing Parts" from the U.S. Patent and Trademark Office. This is a request from the Patent Office to submit the signed declaration from the inventor(s) of the Application. The reason for the August 19 telephone call was to request your cooperation in signing certain documents related to the Application such as a declaration and an assignment.

During our telephone conversation, you indicated that you did not want to sign any paper work related to the Application. If this is your current position, then please check the above box next to indicate that you "DO NOT WISH TO SIGN DECLARATION AND ASSIGNMENT FOR U.S. Patent Application Serial No. 10/624,412," and return this cover letter along with enclosures to me for record keeping in the stamped self-addressed envelope provided to you. If my office does not receive any paper work from you related to the Application within 30 days from the date of this letter, then we will presume that you will not sign any of the paper work related to this Application. On the other hand, if you have

Los Angeles/122464.1

CINCINNATI • CLEVELAND • COLUMBUS • HOUSTON • JACKSONVILLE • LOS ANGELES • MIAMI • NEW YORK • PALO ALTO • PHOENIX • SAN FRANCISCO • WASHINGTON DC
BRATISLAVA • BRUSSELS • BUDAPEST • KYIV • LONDON • MADRID • MOSCOW • PRAGUE
ALMATY • BEIJING • HONG KONG • TAIPEI • TOKYO
ASSOCIATED OFFICES: DUBLIN • MILAN

Mr. Nathan Leach
August 26, 2003
Page 2

decided to sign the paper work, then please review the enclosed copy of the Application and sign the accompanying declaration and the assignment, both before a notary. Once signed, please return the Declaration and the Assignment to me in the stamped self-addressed envelope.

If you have any questions about the above subject matter you may contact me, however, it is advisable that you seek your own counsel for advise on the above subject matter. Be reminded, however, of the confidentiality agreement you signed on June 29, 1999. In addition, under California Labor Code § 2860:

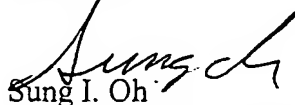
Everything which an employee acquires by virtue of his employment, except the compensation which is due to him for his employer, belongs to the employer, whether acquired lawfully or unlawfully, or during or after the expiration of the term of his employment.

As such, the idea(s) you have developed that were within the scope of your employment with Mekorma, belong to Mekorma, and by virtue of the agreement between Nodus and Mekorma, the idea(s) that are embodied in the Application belong to Nodus.

With regard to patent office procedures, if the inventor or anyone else substantively involved in the prosecution of this application are aware of information which might be deemed material to the patentability of the application, such information should be promptly brought to our attention.

Prior art including patents and other publications which the Examiner might consider to be important would likely be considered material information. Examples of other information previously considered to be material include the existence of other U.S. applications of the applicant or assignee directed to closely related or overlapping subject matter. Further, prior art disclosed or cited in such other U.S. applications and corresponding foreign applications has also been considered to be material. If you have any of such information, please forward me a copy.

Sincerely,



Sung I. Oh

SQUIRE, SANDERS & DEMPSEY L.L.P.

SIO/rlf

Enclosures: (1) a copy of the patent application
(2) corresponding Declaration and Assignment

cc: Donte Kim (w/o enclosures)

DECLARATION and PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "System for Interfacing Software Programs."

[X] is attached hereto

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims; as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

Prior Foreign Application(s)

			Priority Claimed	
NONE	NONE	NONE	<input type="checkbox"/> Yes	<input type="checkbox"/> No
(Number)	(Country)	(Day, month, year)		

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

60/397,737	07/22/2002	Pending
(Application Serial No.)	Filing Date	(Status) (Patented, pending, abandoned)
60/455,008	03/14/2003	Pending
(Application Serial No.)	Filing Date	(Status) (Patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

Full name of sole or first inventor Donte Kim

Inventor's signature _____

Date _____

Residence Alta Loma, California

Citizenship United States

Post Office Address 6771 Amberwood Drive, Alta Loma, California 91701

Full name of second inventor Nathan Leach

Inventor's signature _____

Date _____

Residence Tomball, Texas

Citizenship United States

Post Office Address 17407 Old Court Drive, Tomball, Texas 77377

ASSIGNMENT

WHEREAS, I, Nathan Leach, one of the co-inventors and the ASSIGNOR herein, have invented a SYSTEM FOR INTERFACING SOFTWARE PROGRAMS, for which on July 21, 2003, Application Serial No. 10/624,412 for Letters Patent of the United States was filed, which application has been executed by me concurrently herewith and of which inventions and improvements I am the joint owner; and

WHEREAS, Mekorma (ASSIGNEE) is a corporation organized and existing under the laws of California, having a place of business at 3000 S. Robertson Boulevard, Suite 290, Los Angeles, California 90034. ASSIGNEE desires to acquire the entire right, title and interest in and to the inventions, applications and letters patent to be granted and issued for the inventions and applications;

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) by the ASSIGNEE to myself is paid, and other valuable consideration, the receipt and legal sufficiency of all of which is hereby acknowledged, I, the said ASSIGNOR, have sold and do hereby sell, assign, transfer and set over unto said ASSIGNEE, its successors and assigns, the entire right, title and interest in and to said inventions and all improvements thereon, in and to said application for Letters Patent thereon, in and to applications pertaining to or based upon said inventions and applications, including divisional and continuing applications and continuations-in-part, and in and to any and all Letters Patent which may be granted and issued on said inventions and applications, or any of them, not only for, to and in the United States of America, its territories and possessions, but for, to and in all countries foreign thereto, together with and including all priority rights based upon any and all applications in the United States of America covered by this Assignment.

And for the above-named considerations, I do hereby agree that I will, at the request of said ASSIGNEE, execute any and all applications for Letters Patent for said inventions and any and all other papers and documents and do all other and further lawful acts that said ASSIGNEE may deem necessary or desirable to obtain Letters Patent on said inventions, to secure the grant of such Letters Patent and to perfect and vest in the ASSIGNEE the entire right, title and interest in the inventions, applications and Letters Patent.

And for the above-named considerations, I do hereby authorize and empower the ASSIGNEE, its successors and assigns, to apply for and obtain, in its or their own names, Letters Patent for the said inventions before competent International Authorities and in any and all countries foreign to the United States in which applications for Letters Patent can be so made or Letters Patent so obtained.

Dated: _____

Nathan Leach

STATE OF TEXAS)
) ss.
COUNTY OF _____)

On this _____ day of _____, 2003, before me _____, the undersigned Notary Public, personally appeared **Nathan Leach**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

(SEAL)

Notary Public

Dated: _____

Nathan Leach